

West's Arkansas Code Annotated

Title 9. Family Law

Subtitle 2. Domestic Relations (Chapters 8 to 24)

Chapter 13. Child Custody and Visitation (Refs & Annos)

Subchapter 1. General Provisions

A.C.A. § 9-13-101

§ 9-13-101. Award of custody

Effective: July 27, 2011

[Currentness](#)

(a)(1)(A)(i) In an action for divorce, the award of custody of a child of the marriage shall be made without regard to the sex of a parent but solely in accordance with the welfare and best interest of the child.

(ii) In determining the best interest of the child, the court may consider the preferences of the child if the child is of a sufficient age and capacity to reason, regardless of chronological age.

(B) When a court order holds that it is in the best interest of a child to award custody to a grandparent, the award of custody shall be made without regard to the sex of the grandparent.

(2)(A) Upon petition by a grandparent who meets the requirements of subsection (b) of this section and subdivision (a)(1) of this section, a circuit court shall grant the grandparent a right to intervene pursuant to [Rule 24\(a\) of the Arkansas Rules of Civil Procedure](#).

(B)(i) A grandparent shall be entitled to notice and shall be granted an opportunity to be heard in any child custody proceeding involving a grandchild who is twelve (12) months of age or younger when:

(a) A grandchild resides with this grandparent for at least six (6) continuous months prior to the grandchild's first birthday;

(b) The grandparent was the primary caregiver for and financial supporter of the grandchild during the time the grandchild resided with the grandparent; and

(c) The continuous custody occurred within one (1) year of the date the child custody proceeding was initiated.

(ii) A grandparent shall be entitled to notice and shall be granted an opportunity to be heard in any child custody proceeding involving a grandchild who is twelve (12) months of age or older when:

(a) A grandchild resides with this grandparent for at least one (1) continuous year regardless of age;

(b) The grandparent was the primary caregiver for and financial supporter of the grandchild during the time the grandchild resided with the grandparent; and

(c) The continuous custody occurred within one (1) year of the date the child custody proceeding was initiated.

(iii) Notice to a grandparent shall be given by the moving party.

(3) For purposes of this section, “grandparent” does not mean a parent of a putative father of a child.

(4)(A) The party that initiates a child custody proceeding shall notify the circuit court of the name and address of any grandparent who is entitled to notice under the provisions of subdivision (a)(1) of this section.

(B) The notice shall be in accordance with [§ 16-55-114](#).

(b)(1)(A)(i) When in the best interests of a child, custody shall be awarded in such a way so as to assure the frequent and continuing contact of the child with both parents.

(ii) To this effect, the circuit court may consider awarding joint custody of a child to the parents in making an order for custody.

(B) If a grandparent meets the requirements of subdivisions (a)(1) and (a)(2)(B) of this section and is a party to the proceedings, the circuit court may consider the continuing contact between the child and a grandparent who is a party, and the circuit court may consider orders to assure the continuing contact between the grandparent and the child.

(2) To this effect, in making an order for custody, the court may consider, among other facts, which party is more likely to allow the child or children frequent and continuing contact with the noncustodial parent and the noncustodial grandparent who meets the requirements of subdivisions (a)(1) and (a)(2)(B) of this section.

(c)(1) If a party to an action concerning custody of or a right to visitation with a child has committed an act of domestic violence against the party making the allegation or a family or household member of either party and such allegations are proven by a preponderance of the evidence, the circuit court must consider the effect of such domestic violence upon the best interests of the child, whether or not the child was physically injured or personally witnessed the abuse, together with such facts and circumstances as the circuit court deems relevant in making a direction pursuant to this section.

(2) There is a rebuttable presumption that it is not in the best interest of the child to be placed in the custody of an abusive parent in cases in which there is a finding by a preponderance of the evidence that the parent has engaged in a pattern of domestic abuse.

(d)(1) If a party to an action concerning custody of or a right to visitation with a child is a sex offender who is required to register under the Sex Offender Registration Act of 1997, [§ 12-12-901 et seq.](#), the circuit court may not award custody or

unsupervised visitation of the child to the sex offender unless the circuit court makes a specific finding that the sex offender poses no danger to the child.

(2) There is a rebuttable presumption that it is not in the best interest of the child to be placed in the care or custody of a sex offender or to have unsupervised visitation with a sex offender.

(3) There is a rebuttable presumption that it is not in the best interest of the child to be placed in the home of a sex offender or to have unsupervised visitation in a home in which a sex offender resides.

(e)(1) The Director of the Administrative Office of the Courts is authorized to establish an attorney ad litem program to represent children in circuit court cases in which custody is an issue.

(2) When a circuit judge determines that the appointment of an attorney ad litem would facilitate a case in which custody is an issue and further protect the rights of the child, the circuit judge may appoint a private attorney to represent the child.

(3)(A) The Supreme Court, with the advice of the circuit judges, shall adopt standards of practice and qualifications for service for attorneys who seek to be appointed to provide legal representation for children in custody cases.

(B)(i) In extraordinary cases, the circuit court may appoint an attorney ad litem who does not meet the required standards and qualifications.

(ii) The attorney may not be appointed in subsequent cases until he or she has made efforts to meet the standards and qualifications.

(4) When attorneys are appointed pursuant to subdivision (e)(2) of this section, the fees for services and reimbursable expenses shall be paid from funds appropriated for that purpose to the Administrative Office of the Courts.

(5)(A) When a circuit judge orders the payment of funds for the fees and expenses authorized by this section, the circuit judge shall transmit a copy of the order to the office, which is authorized to pay the funds.

(B) The circuit court may also require the parties to pay all or a portion of the expenses, depending on the ability of the parties to pay.

(6) The office shall establish guidelines to provide a maximum amount of expenses and fees per hour and per case that will be paid pursuant to this section.

(7) In order to ensure that each judicial district will have an appropriate amount of funds to utilize for ad litem representation in custody cases, the funds appropriated shall be apportioned based upon a formula developed by the office and approved by the Arkansas Judicial Council and the Subcommittee on Administrative Rules and Regulations of the Legislative Council.

(8)(A) The office shall develop a statistical survey that each attorney who serves as an ad litem shall complete upon the conclusion of the case.

(B) Statistics shall include the ages of children served, whether the custody issue arises at a divorce or post-divorce stage, whether psychological services were ordered, and any other relevant information.

Credits

Acts of 1979, Act 278, § 1; Acts of 1997, Act 905, § 1; Acts of 1997, Act 1328, § 1; Acts of 1999, Act 708, §§ 2, 3, eff. July 1, 1999; Acts of 2001, Act 1235, § 1, eff. Aug. 13, 2001; Acts of 2001, Act 1497, § 1, eff. Aug. 13, 2001; Acts of 2003, Act 92, § 1, eff. July 16, 2003; Acts of 2005, Act 80, § 1, eff. Aug. 12, 2005; Acts of 2007, Act 56, § 1, eff. July 31, 2007; Acts of 2011, Act 344, § 2, eff. July 27, 2011.

Formerly A.S.A. 1947, § 34-2726.

[Notes of Decisions \(450\)](#)

A.C.A. § 9-13-101, AR ST § 9-13-101

Current through 2012 Fiscal Sess. and 11/6/2012 election, including changes made by Ark. Code Rev. Comm. received through 11/1/2012, and emerg. eff. acts from 2013 Reg. Sess.: 7, 38, 39, 40, 41, 67, 109, 111, 135, 136, 139, 145, 147, 153, 169, 171, 176, 210, 234, 276, 282, 290, 304, 308, 315, 332, 336, 350, 378, 427, 442, 457, 458, 461, 500, 504, 512, 521, 522, 528, 539, 556, 557, 575, 600 to 602, 713, 747, 969, 990, 999, 1018, 1042, 1065, 1081, 1093, 1095, 1100, 1109, 1169, 1173, 1180, 1184, 1227, 1241, 1271, 1302, 1311, 1315, 1334, 1405, 1413, 1444, 1497, 1498, 1500.

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A.C.A. § 9-13-102

§ 9-13-102. Sibling visitation rights

Currentness

The circuit courts of this state, upon petition from any person who is a brother or sister, regardless of the degree of blood relationship or, if the person is a minor, upon petition by a parent, guardian, or next friend in behalf of the minor, may grant reasonable visitation rights to the petitioner so as to allow the petitioner the right to visit any brother or sister, regardless of the degree of blood relationship, whose parents have denied such access. The circuit courts may issue any further order that may be necessary to enforce the visitation rights.

Credits

Acts of 1981, Act 920, § 1.

Formerly A.S.A. 1947, § 57-137.

A.C.A. § 9-13-102, AR ST § 9-13-102

Current through 2012 Fiscal Sess. and 11/6/2012 election, including changes made by Ark. Code Rev. Comm. received through 11/1/2012, and emerg. eff. acts from 2013 Reg. Sess.: 7, 38, 39, 40, 41, 67, 109, 111, 135, 136, 139, 145, 147, 153, 169, 171, 176, 210, 234, 276, 282, 290, 304, 308, 315, 332, 336, 350, 378, 427, 442, 457, 458, 461, 500, 504, 512, 521, 522, 528, 539, 556, 557, 575, 600 to 602, 713, 747, 969, 990, 999, 1018, 1042, 1065, 1081, 1093, 1095, 1100, 1109, 1169, 1173, 1180, 1184, 1227, 1241, 1271, 1302, 1311, 1315, 1334, 1405, 1413, 1444, 1497, 1498, 1500.

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A.C.A. § 9-13-103

§ 9-13-103. Visitation rights of grandparents when the child is in the custody of a parent

Effective: July 31, 2009

[Currentness](#)

(a) For purposes of this section:

(1) “Child” means a minor under eighteen (18) years of age of whom the custodian has control and who is:

(A) The grandchild of the petitioner; or

(B) The great-grandchild of the petitioner;

(2) “Counseling” means individual counseling, group counseling, or other intervention method;

(3) “Custodian” means the custodial parent of the child with the authority to grant or deny grandparental visitation;

(4) “Mediation service” means any formal or informal mediation; and

(5) “Petitioner” means any individual who may petition for visitation rights under this section.

(b) A grandparent or great-grandparent may petition a circuit court of this state for reasonable visitation rights with respect to his or her grandchild or grandchildren or great-grandchild or great-grandchildren under this section if:

(1) The marital relationship between the parents of the child has been severed by death, divorce, or legal separation;

(2) The child is illegitimate and the petitioner is a maternal grandparent of the illegitimate child; or

(3) The child is illegitimate, the petitioner is a paternal grandparent of the illegitimate child, and paternity has been established by a court of competent jurisdiction.

(c)(1) There is a rebuttable presumption that a custodian's decision denying or limiting visitation to the petitioner is in the best interest of the child.

(2) To rebut the presumption, the petitioner must prove by a preponderance of the evidence the following:

(A) The petitioner has established a significant and viable relationship with the child for whom he or she is requesting visitation; and

(B) Visitation with the petitioner is in the best interest of the child.

(d) To establish a significant and viable relationship with the child, the petitioner must prove by a preponderance of the evidence the following:

(1)(A) The child resided with the petitioner for at least six (6) consecutive months with or without the current custodian present;

(B) The petitioner was the caregiver to the child on a regular basis for at least six (6) consecutive months; or

(C) The petitioner had frequent or regular contact with the child for at least twelve (12) consecutive months; or

(2) Any other facts that establish that the loss of the relationship between the petitioner and the child is likely to harm the child.

(e) To establish that visitation with the petitioner is in the best interest of the child, the petitioner must prove by a preponderance of the evidence the following:

(1) The petitioner has the capacity to give the child love, affection, and guidance;

(2) The loss of the relationship between the petitioner and the child is likely to harm the child; and

(3) The petitioner is willing to cooperate with the custodian if visitation with the child is allowed.

(f)(1) An order granting or denying visitation rights to grandparents and great-grandparents shall be in writing and shall state any and all factors considered by the court in its decision to grant or deny visitation under this section.

(2)(A) If the court grants visitation to the petitioner or petitioners, the visits may occur without regard to which parent has physical custody of the child.

(B) Visits with a paternal grandparent or great-grandparent may occur even when the child is in the custody of the mother, and visits with a maternal grandparent or great-grandparent may occur even when the child is in the custody of the father.

(3)(A) If the court grants visitation to the petitioner under this section, then the visitation shall be exercised in a manner consistent with all orders regarding custody of or visitation with the child unless the court makes a specific finding otherwise.

(B) If the court finds that the petitioner's visitation should be restricted or limited in any way, then the court shall include the restrictions or limitations in the order granting visitation.

(4) An order granting or denying visitation rights under this section is a final order for purposes of appeal.

(5) After an order granting or denying visitation has been entered under this section, the custodian or petitioner may petition the court for the following:

(A) Contempt proceedings if one (1) party to the order fails to comply with the order;

(B) To address the issue of visitation based on a change in circumstances; or

(C) To address the need to add or modify restrictions or limitations to visitation previously awarded under this section.

(g)(1) A court may order mediation services to resolve a visitation issue under this section if:

(A) Mediation services are available;

(B) Both parties agree to participate in mediation services; and

(C) One (1) or both of the parties agree to pay for mediation services.

(2) Records, notes, reports, or discussions related to the mediation service shall not be used by the court to determine visitation under this section.

(h)(1) A court may order counseling to address underlying matters surrounding the visitation issue under this section if:

(A) Counseling is available;

(B) Both parties agree to participate in counseling; and

(C) One (1) or both of the parties agree to pay for counseling.

(2) Records, notes, reports, or discussions related to the counseling shall not be used by the court to determine visitation under this section.

Credits

Acts of 1985, Act 403, §§ 1, 3; Acts of 1987, Act 17, § 1; [Acts of 1993, Act 1231, § 1](#); [Acts of 1995, Act 1200, § 1](#); [Acts of 2003, Act 652, § 1, eff. March 25, 2003](#); [Acts of 2009, Act 271, § 1, eff. July 31, 2009](#).

Formerly A.S.A. 1947, §§ 34-1211.2, 34-1211.3.

[Notes of Decisions \(68\)](#)

A.C.A. § 9-13-103, AR ST § 9-13-103

Current through 2012 Fiscal Sess. and 11/6/2012 election, including changes made by Ark. Code Rev. Comm. received through 11/1/2012, and emerg. eff. acts from 2013 Reg. Sess.: 7, 38, 39, 40, 41, 67, 109, 111, 135, 136, 139, 145, 147, 153, 169, 171, 176, 210, 234, 276, 282, 290, 304, 308, 315, 332, 336, 350, 378, 427, 442, 457, 458, 461, 500, 504, 512, 521, 522, 528, 539, 556, 557, 575, 600 to 602, 713, 747, 969, 990, 999, 1018, 1042, 1065, 1081, 1093, 1095, 1100, 1109, 1169, 1173, 1180, 1184, 1227, 1241, 1271, 1302, 1311, 1315, 1334, 1405, 1413, 1444, 1497, 1498, 1500.

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A.C.A. § 9-13-104

§ 9-13-104. Public schools--Transfer of children between parents

Currentness

(a) In order to avoid continuing child custody controversies from involving public school personnel and to avoid disruptions to the educational atmosphere in our public schools, the transfer of a child between the child's custodial parent and noncustodial parent, when both parents are present, is prohibited from taking place on the real property of a public elementary or secondary school on normal school days during normal hours of school operations.

(b) The provisions of this section shall not prohibit one (1) parent, custodial or noncustodial, from transporting the child to school and the other parent, custodial or noncustodial, from picking up the child from school at prearranged times on prearranged days if prior approval has been made with the school's principal.

Credits

Acts of 1993, Act 660, § 1.

A.C.A. § 9-13-104, AR ST § 9-13-104

Current through 2012 Fiscal Sess. and 11/6/2012 election, including changes made by Ark. Code Rev. Comm. received through 11/1/2012, and emerg. eff. acts from 2013 Reg. Sess.: 7, 38, 39, 40, 41, 67, 109, 111, 135, 136, 139, 145, 147, 153, 169, 171, 176, 210, 234, 276, 282, 290, 304, 308, 315, 332, 336, 350, 378, 427, 442, 457, 458, 461, 500, 504, 512, 521, 522, 528, 539, 556, 557, 575, 600 to 602, 713, 747, 969, 990, 999, 1018, 1042, 1065, 1081, 1093, 1095, 1100, 1109, 1169, 1173, 1180, 1184, 1227, 1241, 1271, 1302, 1311, 1315, 1334, 1405, 1413, 1444, 1497, 1498, 1500.

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A.C.A. § 9-13-105

§ 9-13-105. Criminal records check

Effective: July 27, 2011

[Currentness](#)

(a) Any parent of a minor child in a circuit court case may petition the court to order a criminal records check of the other parent of the minor child or other adult members of the household eighteen (18) years of age or older who reside with the parent for custody and visitation determination purposes.

(b) If the court determines there is reasonable cause to suspect that the other parent or other adult members of the household eighteen (18) years of age or older who reside with the parent may have engaged in criminal conduct that would be relevant to the issue of custody of the minor child or visitation privileges, the court may order the sheriff of the county in which the petition was filed to conduct a criminal records check through the Arkansas Crime Information Center, including a check of the Sex Offender Registry, [§ 12-12-901 et seq.](#)

(c) The court shall review the results of the criminal records check, and if it deems appropriate, provide the results to the petitioning parent.

(d) Any costs associated with conducting a criminal records check shall be borne by the petitioning party.

Credits

[Acts of 1997, Act 730, § 1; Acts of 2011, Act 344, § 1, eff. July 27, 2011.](#)

A.C.A. § 9-13-105, AR ST § 9-13-105

Current through 2012 Fiscal Sess. and 11/6/2012 election, including changes made by Ark. Code Rev. Comm. received through 11/1/2012, and emerg. eff. acts from 2013 Reg. Sess.: 7, 38, 39, 40, 41, 67, 109, 111, 135, 136, 139, 145, 147, 153, 169, 171, 176, 210, 234, 276, 282, 290, 304, 308, 315, 332, 336, 350, 378, 427, 442, 457, 458, 461, 500, 504, 512, 521, 522, 528, 539, 556, 557, 575, 600 to 602, 713, 747, 969, 990, 999, 1018, 1042, 1065, 1081, 1093, 1095, 1100, 1109, 1169, 1173, 1180, 1184, 1227, 1241, 1271, 1302, 1311, 1315, 1334, 1405, 1413, 1444, 1497, 1498, 1500.

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A.C.A. § 9-13-106

§ 9-13-106. Custody of minor children--Representation by attorney ad litem in probate court

Currentness

(a) The Director of the Administrative Office of the Courts is authorized to establish attorney ad litem programs to represent children in guardianship cases in circuit court when custody is an issue.

(b) When a circuit judge determines that the appointment of an attorney ad litem would facilitate a case in which custody is an issue and further protect the rights of the child, the circuit judge may appoint a private attorney to represent the child.

(c)(1) The Supreme Court, with advice of the circuit judges, shall adopt standards of practice and qualifications for service for attorneys who seek to be appointed to provide legal representation for children in guardianship cases.

(2)(A) In extraordinary cases, the circuit court may appoint an attorney ad litem who does not meet the required standards and qualifications.

(B) The attorney may not be appointed in subsequent cases until he or she has made efforts to meet the standards and qualifications.

(d) When attorneys are appointed pursuant to subsection (b) of this section, the fees for services and reimburseable expenses shall be paid from funds appropriated for that purpose to the Administrative Office of the Courts.

(e)(1) When a judge orders the payment of funds for the fees and expenses authorized by this section, the judge shall transmit a copy of the order to the office, which is authorized to pay the funds.

(2) The court may also require the parties to pay all or a portion of the expenses, depending on the ability of the parties to pay.

(f) The office shall establish guidelines to provide a maximum amount of expenses and fees per hour and per case that will be paid pursuant to this section.

(g) In order to ensure that each judicial district will have an appropriate amount of funds to utilize for ad litem representation in custody cases, the funds appropriated shall be apportioned based upon a formula developed by the office and approved by the Arkansas Judicial Council and the Administrative Rules and Regulations Committee of the Arkansas Legislative Council.

(h)(1) The office shall develop a statistical survey that each attorney who serves as an ad litem shall complete upon the conclusion of the case.

(2) Statistics shall include:

(A) The ages of children served;

(B) Whether the custody issue arises at a divorce or post-divorce stage;

(C) Whether psychological services were ordered; and

(D) Any other relevant information.

Credits

[Acts of 1999, Act 708, § 3.](#)

A.C.A. § 9-13-106, AR ST § 9-13-106

Current through 2012 Fiscal Sess. and 11/6/2012 election, including changes made by Ark. Code Rev. Comm. received through 11/1/2012, and emerg. eff. acts from 2013 Reg. Sess.: 7, 38, 39, 40, 41, 67, 109, 111, 135, 136, 139, 145, 147, 153, 169, 171, 176, 210, 234, 276, 282, 290, 304, 308, 315, 332, 336, 350, 378, 427, 442, 457, 458, 461, 500, 504, 512, 521, 522, 528, 539, 556, 557, 575, 600 to 602, 713, 747, 969, 990, 999, 1018, 1042, 1065, 1081, 1093, 1095, 1100, 1109, 1169, 1173, 1180, 1184, 1227, 1241, 1271, 1302, 1311, 1315, 1334, 1405, 1413, 1444, 1497, 1498, 1500.

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A.C.A. § 9-13-107

§ 9-13-107. Visitation rights of grandparents when the parent does not have custody of the child

Currentness

(a) For purposes of this section:

(1) "Child" means a minor under eighteen (18) years of age who is:

(A) The grandchild of the petitioner; or

(B) The great-grandchild of the petitioner; and

(2) "Petitioner" means any individual who may petition for visitation rights under this section.

(b) A grandparent or great-grandparent may petition the circuit court that granted the guardianship or custody of a child for reasonable visitation rights with respect to his or her grandchild or grandchildren or great-grandchild or great-grandchildren under this section if the child is in the custody or under the guardianship of a person other than one (1) or both of his or her natural or adoptive parents.

(c) Visitation with the child may be granted only if the court determines that visitation with the petitioner is in the best interest and welfare of the child.

(d)(1) An order granting or denying visitation rights to grandparents and great-grandparents under this section shall be in writing and shall state any and all factors considered by the court in its decision to grant or deny visitation.

(2)(A) If the court grants visitation to the petitioner under this section, then the visitation shall be exercised in a manner consistent with all orders regarding custody of or visitation with the child unless the court makes a specific finding otherwise.

(B) If the court finds that the petitioner's visitation should be restricted or limited in any way, then the court shall include the restrictions or limitations in the order granting visitation.

(3) An order granting or denying visitation rights under this section is a final order for purposes of appeal.

(4) After an order granting or denying visitation has been entered under this section, a party may petition the court for the following:

(A) Contempt proceedings if one (1) party to the order fails to comply with the order;

(B) To address the issue of visitation based on a change in circumstances; or

(C) To address the need to add or modify restrictions or limitations to visitation previously awarded under this section.

Credits

Acts of 2003, Act 652, § 2, eff. March 25, 2003.

Notes of Decisions (2)

A.C.A. § 9-13-107, AR ST § 9-13-107

Current through 2012 Fiscal Sess. and 11/6/2012 election, including changes made by Ark. Code Rev. Comm. received through 11/1/2012, and emerg. eff. acts from 2013 Reg. Sess.: 7, 38, 39, 40, 41, 67, 109, 111, 135, 136, 139, 145, 147, 153, 169, 171, 176, 210, 234, 276, 282, 290, 304, 308, 315, 332, 336, 350, 378, 427, 442, 457, 458, 461, 500, 504, 512, 521, 522, 528, 539, 556, 557, 575, 600 to 602, 713, 747, 969, 990, 999, 1018, 1042, 1065, 1081, 1093, 1095, 1100, 1109, 1169, 1173, 1180, 1184, 1227, 1241, 1271, 1302, 1311, 1315, 1334, 1405, 1413, 1444, 1497, 1498, 1500.

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A.C.A. § 9-13-108

§ 9-13-108. Visitation--Preference of child

Currentness

In an action under this subchapter concerning a person's right to visitation with a minor child, the circuit court may consider the preferences of the child if the child is of a sufficient age and capacity to reason, regardless of chronological age.

Credits

Acts of 2005, Act 80, § 2, eff. Aug. 12, 2005.

A.C.A. § 9-13-108, AR ST § 9-13-108

Current through 2012 Fiscal Sess. and 11/6/2012 election, including changes made by Ark. Code Rev. Comm. received through 11/1/2012, and emerg. eff. acts from 2013 Reg. Sess.: 7, 38, 39, 40, 41, 67, 109, 111, 135, 136, 139, 145, 147, 153, 169, 171, 176, 210, 234, 276, 282, 290, 304, 308, 315, 332, 336, 350, 378, 427, 442, 457, 458, 461, 500, 504, 512, 521, 522, 528, 539, 556, 557, 575, 600 to 602, 713, 747, 969, 990, 999, 1018, 1042, 1065, 1081, 1093, 1095, 1100, 1109, 1169, 1173, 1180, 1184, 1227, 1241, 1271, 1302, 1311, 1315, 1334, 1405, 1413, 1444, 1497, 1498, 1500.

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A.C.A. § 9-13-109

§ 9-13-109. Drug testing--Proceedings concerning child custody, visitation, or the welfare of a child

Currentness

(a) For purposes of this section, “drug” means any controlled substance as defined by the Uniform Controlled Substances Act, § 5-64-101 et seq.

(b) In a proceeding concerning child custody, child visitation, or the welfare of a child, the court may order drug testing of a party upon application of a party or by its own motion.

(c) The court may assess the cost of the drug testing to a party or parties or otherwise order or arrange payment of the cost of drug testing.

Credits

Acts of 2005, Act 430, § 1, eff. Aug. 12, 2005.

A.C.A. § 9-13-109, AR ST § 9-13-109

Current through 2012 Fiscal Sess. and 11/6/2012 election, including changes made by Ark. Code Rev. Comm. received through 11/1/2012, and emerg. eff. acts from 2013 Reg. Sess.: 7, 38, 39, 40, 41, 67, 109, 111, 135, 136, 139, 145, 147, 153, 169, 171, 176, 210, 234, 276, 282, 290, 304, 308, 315, 332, 336, 350, 378, 427, 442, 457, 458, 461, 500, 504, 512, 521, 522, 528, 539, 556, 557, 575, 600 to 602, 713, 747, 969, 990, 999, 1018, 1042, 1065, 1081, 1093, 1095, 1100, 1109, 1169, 1173, 1180, 1184, 1227, 1241, 1271, 1302, 1311, 1315, 1334, 1405, 1413, 1444, 1497, 1498, 1500.

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West's Arkansas Code Annotated

Title 9. Family Law

Subtitle 2. Domestic Relations (Chapters 8 to 24)

Chapter 13. Child Custody and Visitation (Refs & Annos)

Subchapter 1. General Provisions

A.C.A. § 9-13-110

§ 9-13-110. Parents who are members of the armed services

Effective: March 16, 2007

[Currentness](#)

(a) As used in this section:

(1) “Armed forces” means the National Guard and the reserve components of the armed forces, the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, and the United States Air Force, and any other branch of the military and naval forces or auxiliaries of the United States or Arkansas; and

(2) “Mobilized parent” means a parent who:

(A) Is a member of the armed forces; and

(B) Is called to active duty or receives orders for duty that is outside the state or country.

(b) A court shall not permanently modify an order for child custody or visitation solely on the basis that one (1) of the parents is a mobilized parent.

(c)(1) A court of competent jurisdiction shall determine whether a temporary modification to an order for child custody or visitation is appropriate for a child or children of a mobilized parent.

(2) The determination under this subsection (c) includes consideration of any and all circumstances that are necessary to maximize the mobilized parent's time and contact with his or her child that is consistent with the best interest of the child, including without limitation:

(A) The ordered length of the mobilized parent's call to active duty;

(B) The mobilized parent's duty station or stations;

(C) The opportunity that the mobilized parent will have for contact with the child through a leave, a pass, or other authorized absence from duty;

(D) The contact that the mobilized parent has had with the child before the call to active military duty;

(E) The nature of the military mission, if known; and

(F) Any other factor that the court deems appropriate under the circumstances.

(d) This section shall not limit the power of a court of competent jurisdiction to permanently modify an order of child custody or visitation in the event that a parent volunteers for permanent military duty as a career choice regardless of whether the parent volunteered for permanent military duty while a member of the armed forces.

Credits

[Acts of 2007, Act 301, § 1, eff. March 16, 2007.](#)

A.C.A. § 9-13-110, AR ST § 9-13-110

Current through 2012 Fiscal Sess. and 11/6/2012 election, including changes made by Ark. Code Rev. Comm. received through 11/1/2012, and emerg. eff. acts from 2013 Reg. Sess.: 7, 38, 39, 40, 41, 67, 109, 111, 135, 136, 139, 145, 147, 153, 169, 171, 176, 210, 234, 276, 282, 290, 304, 308, 315, 332, 336, 350, 378, 427, 442, 457, 458, 461, 500, 504, 512, 521, 522, 528, 539, 556, 557, 575, 600 to 602, 713, 747, 969, 990, 999, 1018, 1042, 1065, 1081, 1093, 1095, 1100, 1109, 1169, 1173, 1180, 1184, 1227, 1241, 1271, 1302, 1311, 1315, 1334, 1405, 1413, 1444, 1497, 1498, 1500.

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